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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighteenth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 April 1998, at 10.30 a.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 10.45 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1998/1)

1. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1998/L.1)

2. The programme of work was adopted.

3. The CHAIRPERSON, summarizing what had happened since the seventeenth session of the Committee, gave Committee members some information that could be of use during the eighteenth session. In addition, he said that, at the Round Table on Setting Benchmarks for the Realization of Economic, Social and Cultural Rights, organized by the High Commissioner for Human Rights, an important question had been raised concerning the meaning of the terms "indicator" and "benchmark" and the difference between them. Indicators were generally technical, objective, and difficult and costly to assemble. They were therefore complex, and expert opinion on the subject was divided. By contrast, benchmarks were based on human rights norms, which meant that they did not refer to housing or education, for example, in the abstract, but derived directly from the norms of the International Covenant on Economic, Social and Cultural Rights. They were not merely quantitative, but were also qualitative and much more subjective, in that it was for Governments to indicate the initial benchmarks they used in order to define what they considered to be the minimum conditions required in order to meet their commitments under the Covenant. The objective aspect only came in later, when the Government entered into a dialogue with civil society and, later, with the Committee. The Committee should continue to ask countries to define their benchmarks in order to be able to measure the progress they had made in implementing economic, social and cultural rights, even if most Governments appeared reluctant to do so.

4. He welcomed the decision taken by the Commission on Human Rights at its fifty-fourth session to appoint a Special Rapporteur on the right to education, who would consult with the Committee and work closely with the competent bodies, such as UNESCO and UNICEF. In the area of economic rights, the Commission had, at the same session, taken note, in resolution 1998/23 on the right to food, of the general discussion on the subject that the Committee had held at its seventeenth session and had invited the Committee to consider and adopt a general comment on the subject.

5. Referring to the other decisions taken by the Commission, he welcomed the appointment of a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, and of an independent expert on the question of human rights and extreme poverty. General comment 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights, adopted at the seventeenth session, had been the subject of much comment in various bodies and had been brought to the attention of the Security Council during a debate on sanctions.

6. He deplored the continuing downward trend in the regular budget of the United Nations, and said that the programme of action adopted by the Committee

on Economic, Social and Cultural Rights to offset the reduction had brought in around US$ 140,000 in voluntary contributions, which should make the Committee's work easier. The proposal to eliminate the post of secretary in the human rights bodies and to establish a pool of secretaries to be assigned to one or other of them as the need arose would entail a dilution of responsibility that would hamper their work.

7. With regard to the preparation of the periodic reports submitted to the human rights bodies, the chairpersons of the human rights treaty bodies considered that, while the initial reports should of necessity address all aspects of the human rights situation, it would be desirable for the subsequent periodic reports to address a limited number of specific issues in detail. The suggestion that the human rights treaty bodies should adopt common general comments was almost impossible to implement. However, some of them, such as the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, could prepare a common statement on a given aspect of human rights of more direct concern to them.

8. Mr. SADI welcomed the interest aroused by the Committee's general comment 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights. It would be a good idea to encourage the other treaty bodies to adopt a general comment to the same effect, in order to draw the attention of the Security Council, when appropriate, to the impact of its resolutions in their respective areas of competence.

9. Mrs. BONOAN-DANDAN said she was pleased that the Commission on Human Rights had adopted numerous resolutions that had been directly prompted by the action of the Committee on Economic, Social and Cultural Rights. She noted the comments made by the chairpersons of treaty bodies concerning the periodic reports of States parties and the structure of their concluding observations on those reports.

10. Mr. RIEDEL welcomed the fact that the Commission on Human Rights had taken up a number of the Committee's suggestions, particularly concerning the preparation of benchmarks. Concluding observations, which in many cases were too general, should specifically address the Committee's main areas of concern.

11. Mr. TEXIER welcomed the fact that the Commission on Human Rights was sharing more and more of the Committee's concerns, as demonstrated by the appointment of a Special Rapporteur on the right to education and an independent expert on extreme poverty. It would be desirable, in terms of the means available to the Committee, for an expert to be able to assist Committee members between sessions. As to the Committee's methods of work, he asked whether the Economic and Social Council would be considering at its next session the Committee's request for a third session every year. Lastly, he proposed that, during the first week of the current session, a small working group should meet between plenary meetings in order to consider the question of general comments and concluding observations.

12. Mr. SADI proposed that that task should be entrusted to the pre-sessional Working Group.

13. Mrs. BONOAN-DANDAN, supported by Ms. JIMENEZ BUTRAGUEÑO, said that the Pre-sessional Working Group already had enough to do and suggested that the proposed new working group should meet outside the Committee meetings.

14. The CHAIRPERSON suggested that, to begin with, an informal working group should meet outside meeting hours in order to consider the following questions: the structure of concluding observations, the mechanisms to be set up in order to ensure their follow-up, and general comments. The informal working group could then put proposals to the Committee concerning the establishment of a more official working group.

15. It was so decided.

16. Ms. JIMENEZ BUTRAGUEÑO requested the secretariat to assist Committee members in drawing up the list of issues by preparing a file for them containing relevant information on the countries concerned.

17. The CHAIRPERSON said that the Chairperson of the Human Rights Committee had officially requested him to communicate to her the text of the Committee's general comment 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights. He believed that at least one treaty body had referred to general comment 8 in its concluding observations addressed to a State party. He would request the High Commissioner for Human Rights, on behalf of the Committee, to bring general comment 8 to the Security Council's notice.

18. The Economic and Social Council would consider, at its May 1998 session, the Committee's request for a third annual session. Even if it acceded to the request, however, a third session could not be organized before 1999.

19. The Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) had indicated that he very much wished to look at how UNCTAD could contribute to the Committee's work. Discussions would take place on that question during the weeks and months to come. He (the Chairperson) hoped that UNCTAD would allow one or two of its experts to take part in the general discussion to be held by the Committee during the current session.

20. Responding to Mr. Sadi's concern at the regrettable absence from the Committee's meetings of representatives of concerned international bodies such as FAO, he said that the only thing the Committee could do to remedy the situation was to convince those concerned, through the importance of the work it was doing, of the need to attend its deliberations.

21. Lastly, he paid tribute to the High Commissioner for Human Rights, who had kept her promise to the Committee to do everything possible in order to give economic, social and cultural rights the place they deserved within the United Nations system. It was encouraging to note that more and more bodies and institutions, such as the World Bank and UNDP, were giving serious thought to the way in which they should take account of human rights in general and economic, social and cultural rights in particular in their activities.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3)

22. The CHAIRPERSON gave the floor to the representative of Food-first Information and Action Network (FIAN).

23. Mr. WINDFUHR (Food-first Information and Action Network), referring to the right to food, which had been the subject of the day of general discussion at the Committee's seventeenth session, said that a number of non-governmental organizations (NGOs) representing all regions, had prepared a draft code of conduct on the right to food, which interpreted the contents of that right and States' obligations. The text had received the support of several hundred other NGOs and even a number of Governments already.

24. FIAN welcomed the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur on the right to adequate food, Mr. Eide, who had invited NGOs and experts to contribute to the preparation of the final report he was drafting on the subject on the basis of a study he had carried out on the same subject in 1987.

25. FIAN had recently started campaigning in the United States against new social protection legislation which limited the payment of welfare benefits to five years. The campaign was to mark the start of a wide-ranging campaign to get the United States to ratify the International Covenant on Economic, Social and Cultural Rights. FIAN hoped that the Committee would support it in its efforts.

26. Lastly, he proposed that the Committee should write a letter to the Government of Colombia expressing its concern at the assassination of the founder of the lawyers' association in Colombia, Mr. Eduardo Umaña Mendoza, and at the increase in violence, which was affecting more and more human rights defenders in that country.

27. Mr. TEXIER supported the proposal; if Committee members agreed, he would draft a letter to that effect.

28. The CHAIRPERSON asked Committee members if it would be wise to take that action since, in similar cases, the Committee had not systematically done so. Would it not be preferable to draw up a statement on the importance of defending the rights of those who were working to promote economic, social and cultural rights, or even a brief general comment?

29. The Chairperson gave the floor to the representative of the International Baccalaureate Office (IBO).

30. Ms. BONNER (International Baccalaureate Office) explained that 800 schools in 94 countries, 50 per cent of which were State schools, prepared students for the International Baccalaureate, which was recognized throughout the world. The schools' teaching aimed not only to develop students' intelligence, but also to train their minds, to teach them to respect cultures other than their own, to instil mutual understanding and to increase their awareness of human rights, the environment, the right to

health, etc. It was extremely important that Governments should understand that that kind of education could be very useful in their schools, in particular for the children of migrants and refugees. Students could be taught in their own language but, from the fifth year onwards, learning one of the major world languages - English, Chinese, Spanish or French - was compulsory. The international schools' programme gave an education for life and IBO earnestly hoped that, during the United Nations Decade for Human Rights Education, many Governments would recognize the value of the education afforded by the International Baccalaureate for their own schools.

31. The CHAIRPERSON gave the floor to the representative of the International Council on Social Welfare (ICSW).

32. Ms. GREUTER (International Council on Social Welfare) said that the NGO Working Group on Nutrition highlighted the vital role of NGOs in nutrition and encouraged them to become involved in the implementation of the 1992 International Conference on Nutrition. It was important to ensure gender equity in the debate on the right to food, to emphasize national capacity to take the necessary steps in order to improve household food security and nutrition, and to collect, analyse and disseminate gender-disaggregated data on food and nutrition to be used in the design of, inter alia, programmes aimed at improving the nutritional level of all.

33. The Working Group would be working in the near future to promote food security and the right to food, the Committee's work and the draft code of conduct on the right to food. NGOs could also make a useful contribution to the work of the Committee on Food Security by becoming involved in the implementation of the Food Insecurity and Vulnerability Information and Mapping System (FIVIMS).

34. The CHAIRPERSON thanked the representatives of the NGOs for their contributions.

The meeting rose at 12.55 p.m.